

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RAMONA UNIFIED SCHOOL DISTRICT
AND JULIAN HIGH SCHOOL DISTRICT.

OAH Case No. 2015110771

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
HEARING DATES

On January 22, 2016, the parties filed a joint request to continue the dates in this matter with the Office of Administrative Hearings, based upon the parties being close to reaching a settlement agreement. OAH denied the request that same day, as parties did not establish good cause for a continuance based on the possibility that they may settle this matter.

On January 22, 2016, after the issuance the continuance request denial, Ramona Unified School District and Julian High School District filed a request to continue the dates in this matter, based upon the need for the school districts' legal counsel to go over a draft written agreement, which is complicated by the fact that two school districts are involved in this matter. The school districts only seek a two week continuance, and Student does not oppose the request. The hearing is scheduled to commence on January 26, 2016.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The school district's established good cause for a two-week continuance as the parties have a written, draft agreement, and time difficulties caused by the need to consult with two school districts as to any revisions. Therefore, this matter will be set as follows:

Due Process Hearing: February 9, 2016, at 9:30 AM, February 10 and 11, 2016, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Matter is assigned to Administrative Law Judge Laurie Gorsline.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: January 25, 2016

/s/
PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings